

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

TANGELA RHODESIA MOORE
TX-1335967-T

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DOCKETED COMPLAINT NO.
08-144

FINAL ORDER

On this 24th day of April, 2009, the Board considered the above-noted matter.

After proper notice was given, the above case was heard by an Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH). The ALJ made and filed a proposal for decision containing findings of fact and conclusions of law. The proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record. No such exceptions or replies were filed.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of the proposal for decision, attached as Exhibit A hereto, adopts the findings of fact and conclusions of law of the ALJ contained in the proposal for decision and incorporates those findings of fact and conclusions of law into this Final Order as if such were fully set out and separately stated in this Final Order. All proposed findings of fact and conclusions of law submitted by any party that are not specifically adopted in this Final Order are denied.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the authorization of Tanglea Rhodesia Moore in this matter is hereby **REVOKED**, effective twenty days after the date Tanglea Rhodesia Moore is notified of this Final Order.

If enforcement of this Final Order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

Approved by the Board and Signed this 24th day of April, 2009.



Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board

EXHIBIT A

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

March 11, 2009

RECEIVED
TEXAS REAL ESTATE COMMISSION

MAR 11 2009

CASHIER'S SECTION
OPERATOR 15

Loretta DeHay
Interim Administrator
Texas Appraiser Licensing and Certification Board
1101 Camino La Costa
Austin, Texas 78752

HAND DELIVERY

RE: Docket No. 329-09-1993.ALC; Texas Appraiser Licensing and Certification Board v. Tangela Rhodesia Moore

Dear Ms. DeHay:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in black ink, appearing to be "Shannon Kilgore".

Shannon Kilgore
Administrative Law Judge

SK/ap
Enclosure

xc: Troy Beaulieu, Texas Appraiser Licensing and Certification Board, 1101 Camino La Costa, Austin, TX 78752 -

VIA HAND DELIVERY

Tangela Rhodesia Moore, 6406 Bella Noche, Spring, TX 77379 - **VIA REGULAR MAIL**

SOAH DOCKET NO. 329-09-1993.ALC

TEXAS APPRAISER LICENSING AND
CERTIFICATION BOARD,
Petitioner

V.

TANGELA RHODESIA MOORE,
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Appraiser Licensing and Certification Board¹ (Board) seeks to revoke the appraiser trainee authorization (license) issued to the respondent, Tangel Rhodesia Moore. Staff alleges that Respondent violated the Board's rules by tendering a check, as payment to renew her license, that was returned for insufficient funds. Further, Staff alleges that Ms. Moore failed to respond to Staff's inquiries about the matter, also in violation of the Board's rules. Ms. Moore did not respond to Staff's allegations and did not appear at the hearing. The administrative law judge (ALJ) recommends that Respondent's license be revoked.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

On March 3, 2009, ALJ Shannon Kilgore convened the hearing at the State Office of Administrative Hearings (SOAH), William P. Clements State Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. Staff Attorney Troy Beaulieu represented Staff. Ms. Moore did not appear and was not represented at the hearing.

Staff moved for a default. After establishing that appropriate notice of the hearing was provided to Ms. Moore and that the Board has jurisdiction, the ALJ granted the default. In accordance with SOAH's rules, the allegations in Staff's notice of hearing are deemed true.²

¹ The Texas Appraiser and Licensing Certification Board is an independent subdivision of the Texas Real Estate Commission. TEX. OCC. CODE § 1103.051.

² 1 TEX. ADMIN. CODE § 155.501.

II. RECOMMENDATION

Based on the following Findings of Fact and Conclusions of Law, the ALJ recommends that Respondent's license be revoked.

III. FINDINGS OF FACT

1. The respondent, Tangela Rhodesia Moore, holds appraiser trainee authorization (license) number TX-1335967-T issued by the Texas Appraiser License and Certification Board (Board).
2. On or about December 21, 2007, Ms. Moore submitted a check to the Board to pay her license application fees.
3. On or about January 23, 2008, Ms. Moore was notified by certified mail at her last known business address indicated in the Board's records that her check had been returned for insufficient funds. In the same letter, a request was made for payment within 30 days.
4. The Board has received no payment of the application fees, nor any other response from Ms. Moore.
5. Ms. Moore's last address of record with the Board is: 6406 Bella Noche, Spring, Texas 77379.
6. On January 8, 2009, the Board's staff (Staff) sent Ms. Moore its Original Statement of Charges by certified mail to her last address of record on file with the Board.
7. On January 13, 2009, Staff sent its notice of hearing by certified mail to Ms. Moore at her last known address of record on file with the Board.
8. The hearing notice contained a statement of the time, place, and nature of the hearing; a statement of legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
9. The notice of hearing, in at least 12-point bold-faced font, notified Respondent that failure to appear at the hearing would result in the original statement of charges being admitted as true, the relief sought by the Board being granted, and a default judgment being taken against her.
10. The hearing on the merits convened on March 3, 2009, at the State Office of Administrative Hearings, William B. Clements Building, 300 West 15th Street, Austin, Texas.

11. Staff appeared at the hearing through Staff Attorney Troy Beaulieu. Ms. Moore did not appear, either personally or through counsel.
12. Ms. Moore did not answer Staff's allegations and did not file any responsive pleading whatsoever.
13. Staff moved for default, which was granted following the admission of evidence establishing proper jurisdiction and notice.

IV. CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board (Board) has jurisdiction over this matter. TEX. OCC. CODE ch. 1103.
2. The State Office of Administrative Hearings has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. TEX. OCC. CODE § 1103.508; TEX. GOV'T CODE chs. 2001 and 2003.
3. Ms. Moore was required to notify the Board of any change of her office address not later than the 10th day after the date she moved from a previously designated address. TEX. OCC. CODE § 1103.403.
4. Service of the notice of hearing on Respondent was complete and effective upon proper mailing of the notice by certified mail to Ms. Moore's most recent address as shown in the Board's records. 22 TEX ADMIN. CODE § 157.9(b).
5. Staff sent proper notice of hearing to Ms. Moore's most recent address in the Board's records. TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052; TEX. OCC. CODE § 1103.502.
6. The factual allegations in Staff's notice of hearing are deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
7. Ms. Moore is subject to sanction because she failed to make a payment within thirty days of the Board's notice of her returned check and request for payment, and failed to respond to the Board's inquiries, in violation of the applicable rules. 22 TEX. ADMIN. CODE §§ 153.20(a)(15), 153.20(a)(2), and 153.22.
8. The Board is authorized to suspend or revoke Ms. Moore's appraiser license for violation of the Board's rules. TEX. OCC. CODE § 1103.518(2)(B); 22 TEX. ADMIN. CODE § 153.20(a)(2).

9. The Board should revoke Ms. Moore's real estate appraiser license.

SIGNED March 11, 2009.



**SHANNON KILGORE
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**